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*Attorneys for Debtors and Reorganized Debtors*

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**In re:**

**PG&E CORPORATION,**

**- and -**

**PACIFIC GAS AND ELECTRIC  
COMPANY,**

**Debtors.**

- ☐ Affects PG&E Corporation  
☐ Affects Pacific Gas and Electric Company  
☒ Affects both Debtors

*\* All papers shall be filed in the Lead Case, No. 19-30088 (DM).*

Bankruptcy Case No. 19-30088 (DM)

Chapter 11

(Lead Case) (Jointly Administered)

**REORGANIZED DEBTORS' ONE  
HUNDRED NINETEENTH OMNIBUS  
OBJECTION TO CLAIMS (NO LIABILITY  
CLAIMS)**

**Response Deadline:  
December 6, 2022, 4:00 p.m. (PT)**

**Hearing Information If Timely Response Made:**

Date: December 20, 2022

Time: 10:00 a.m. (Pacific Time)

Place: (Tele/Videoconference Appearances Only)  
United States Bankruptcy Court  
Courtroom 17, 16th Floor  
San Francisco, CA 94102

1 **TO: (A) THE HONORABLE DENNIS MONTALI, UNITED STATES BANKRUPTCY**  
2 **JUDGE; (B) THE OFFICE OF THE UNITED STATES TRUSTEE; (C) THE AFFECTED**  
3 **CLAIMANTS; AND (D) OTHER PARTIES ENTITLED TO NOTICE:**

4 PG&E Corporation (“**PG&E Corp.**”) and Pacific Gas and Electric Company (the “**Utility**”), as  
5 debtors and reorganized debtors (collectively, the “**Debtors**,” or as reorganized pursuant to the Plan (as  
6 defined below), the “**Reorganized Debtors**”) in the above-captioned Chapter 11 cases (the “**Chapter**  
7 **11 Cases**”), hereby submit this One Hundred Nineteenth Omnibus Objection (the “**Objection**”) to the  
8 claims identified in the columns headed “Claims To Be Disallowed and Expunged” on **Exhibit 1**.

## 9 **I. JURISDICTION**

10 This Court has jurisdiction over this Objection under 28 U.S.C. §§ 157 and 1334; the *Order*  
11 *Referring Bankruptcy Cases and Proceedings to Bankruptcy Judges*, General Order 24 (N.D. Cal.); and  
12 Rule 5011-1(a) of the Bankruptcy Local Rules for the United States District Court for the Northern  
13 District of California (the “**Bankruptcy Local Rules**”). This matter is a core proceeding pursuant to 28  
14 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. The  
15 statutory predicates for the relief requested are section 502 of Title 11 of the United States Code (the  
16 “**Bankruptcy Code**”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy**  
17 **Rules**”).

## 18 **II. BACKGROUND**

19 On January 29, 2019 (the “**Petition Date**”), the Debtors commenced with the Court voluntary  
20 cases under Chapter 11 of the Bankruptcy Code. Prior to the Effective Date (as defined below), the  
21 Debtors continued to operate their businesses and manage their properties as debtors in possession  
22 pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No trustee or examiner was appointed  
23 in either of the Chapter 11 Cases. The Chapter 11 Cases are being jointly administered for procedural  
24 purposes only pursuant to Bankruptcy Rule 1015(b).

25 On July 1, 2019, the Court entered the *Order Pursuant to 11 U.S.C. §§ 502(b)(9) and 105(a),*  
26 *Fed. R. Bankr. P. 2002, 3003(c)(3), 5005, and 9007, and L.B.R. 3003-1 (I) Establishing Deadline for*  
27 *Filing Proofs of Claim, (II) Establishing the Form and Manner of Notice Thereof, and (III) Approving*  
28 *Procedures for Providing Notice of Bar Date and Other Information to All Creditors and Potential*  
*Creditors* [Docket No. 2806] (the “**Bar Date Order**”). The Bar Date Order set the deadline to file all

1 proofs of claim (each, a “**Proof of Claim**”) in respect of any prepetition claim (as defined in section  
2 101(5) of the Bankruptcy Code), including all claims of Fire Claimants (as defined therein), Wildfire  
3 Subrogation Claimants (as defined therein), Governmental Units (as defined in section 101(27) of the  
4 Bankruptcy Code), and Customers, and for the avoidance of doubt, including all secured claims and  
5 priority claims, against either of the Debtors as October 21, 2019 at 5:00 p.m. Pacific Time (the “**Bar**  
6 **Date**”). The Bar Date later was extended with respect to unfiled, non-governmental Fire Claimants to  
7 December 31, 2019 [Docket No. 4672].<sup>1</sup>

8 By Order dated June 20, 2020 [Dkt. No. 8053], the Bankruptcy Court confirmed the *Debtors’*  
9 *and Shareholder Proponents’ Joint Chapter 11 Plan of Reorganization Dated June 19, 2020* (as may be  
10 further modified, amended or supplemented from time to time, and together with any exhibits or  
11 scheduled thereto, the “**Plan**”). The Effective Date of the Plan occurred on July 1, 2020 (the “**Effective**  
12 **Date**”). *See* Dkt. No. 8252.

### 13 **III. RELIEF REQUESTED**

14 The Reorganized Debtors file this Objection pursuant to section 502 of the Bankruptcy Code,  
15 Bankruptcy Local Rule 3007-1, and the *Order Approving (A) Procedures for Filing Omnibus Objections*  
16 *to Claims and (B) the Form and Manner of the Notice of Omnibus Objections*, dated June 30, 2020  
17 [Docket No. 8228] (the “**Omnibus Objections Procedures Order**”) seeking entry of an order  
18 disallowing and expunging the No Liability Claims, as further defined and described below.

### 19 **IV. ARGUMENT**

20 The Omnibus Objections Procedures Order and Bankruptcy Rule 3007(d) permit the  
21 Reorganized Debtors to file objections to more than one Proof of Claim if, among other reasons, “[t]he  
22 claims seek recovery of amounts for which the Debtors are not liable.” Omnibus Objections Procedures  
23 Order, ¶2(C)(iii).

24 Each of the Claimants on **Exhibit 1** is listed alphabetically, and the claim number and amount  
25 are identified in accordance with Bankruptcy Rule 3007(e). Furthermore, in accordance with the  
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27 <sup>1</sup> The claims of Fire Claimants will be administered through the Fire Victim Trust and the claims of  
28 Wildfire Subrogation Claimants through the Subrogation Wildfire Trust in accordance with the Plan.

1 Omnibus Objections Procedures Order, the Reorganized Debtors have sent individualized notices to the  
2 holders of the No Liability Claims.

3 **A. The No Liability Claims Should be Disallowed and Expunged**

4 The Reorganized Debtors seek entry of an order disallowing and expunging certain Proofs of  
5 Claim for which the Reorganized Debtors are not liable (the “**No Liability Claims**”). The No Liability  
6 Claims are identified in **Exhibit 1** hereto, in the column entitled “Claims To Be Disallowed and  
7 Expunged.” These Proofs of Claim provide insufficient supporting documentation to enable the  
8 Reorganized Debtors to understand the purported basis for liability and, after reviewing the allegations,  
9 the Reorganized Debtors are unable to determine any liability or basis for the asserted Claims.<sup>2</sup> The  
10 Reorganized Debtors issued Information Requests as to the Proofs of Claim, pursuant to the *Order*  
11 *Approving ADR and Related Procedures for Resolving General Claims* [Docket No. 9148], and received  
12 responses from the Claimants that did not meaningfully explain their allegations.

13 **B. The Claimants Bear the Burden of Proof**

14 A proof of claim is “deemed allowed, unless a party in interest . . . objects.” 11 U.S.C. § 502(a).<sup>3</sup>  
15 Section 502(b)(1) of the Bankruptcy Code, however, provides in relevant part that a claim may not be  
16 allowed if “such claim is unenforceable against the debtor and property of the debtor, under any  
17 agreement or applicable law.” 11 U.S.C. § 502(b)(1). Once the objector raises “facts tending to defeat  
18 the claim by probative force equal to that of the allegations of the proofs of claim themselves,” *Wright*  
19 *v. Holm (In re Holm)*, 931 F.2d 620, 623 (9th Cir. 1991), quoting 3 L. King, *Collier on Bankruptcy*  
20 § 502.02 at 502-22 (15th ed. 1991), then “the burden reverts to the claimant to prove the validity of the  
21 claim by a preponderance of the evidence.” *Ashford v. Consolidated Pioneer Mortgage (In re*  
22 *Consolidated Pioneer Mortgage)*, 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995) (quoting *In re Allegheny*  
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24 <sup>2</sup> One of the No Liability Claims, Claim No. 7955, does include reasonably specific allegations regarding  
25 a portion of the damages claimed. However, as the claimant has acknowledged, he received and cashed  
a settlement check from the Reorganized Debtors for that portion of the claim.

26 <sup>3</sup> On October 25, 2022, the Reorganized Debtors moved for an order further extending the deadline under  
27 Section 7.1 of the Plan to bring objections to Claims through and including September 15, 2023 [Docket  
28 No. 13122], except with respect to the claims of certain state and federal governmental entities not  
applicable to this Objection. That motion is set for hearing on November 15, 2022.

1 *Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)), *aff'd without opinion* 91 F.3d 151 (9th Cir. 1996).  
2 “[T]he ultimate burden of persuasion is always on the claimant.” *Holm*, 931 F.2d at 623 (quoting King,  
3 *Collier on Bankruptcy*); *see also Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th  
4 Cir. 2000); *Spencer v. Pugh (In re Pugh)*, 157 B.R. 898, 901 (B.A.P. 9th Cir. 1993); *In re Fidelity*  
5 *Holding Co.*, 837 F.2d 696, 698 (5th Cir. 1988).

6 As discussed above, the Reorganized Debtors submit that the No Liability Claims should be  
7 disallowed and expunged because the Reorganized Debtors are not liable for the amounts requested  
8 therein. If not disallowed and expunged, No Liability Claims potentially could allow the applicable  
9 Claimants to receive recoveries to which they are not entitled.

## 10 **V. RESERVATION OF RIGHTS**

11 The Reorganized Debtors hereby reserve the right to object, as applicable, in the future to any of  
12 the Proofs of Claim listed in this Objection on any ground, and to amend, modify, or supplement this  
13 Objection to the extent an objection to a claim is not granted, and to file other objections to any proofs  
14 of claims filed in these cases, including, without limitation, objections as to the amounts asserted therein,  
15 or any other claims (filed or not) against the Debtors, regardless of whether such claims are subject to  
16 this Objection. A separate notice and hearing will be scheduled for any such objections. Should the  
17 grounds of objection specified herein be overruled, wholly or in part, the Reorganized Debtors reserve  
18 the right to object to the No Liability Claims on any other grounds that the Reorganized Debtors may  
19 discover or deem appropriate.

## 20 **VI. NOTICE**

21 Notice of this Objection will be provided to (i) holders of the No Liability Claims; (ii) the Office  
22 of the U.S. Trustee for Region 17 (Attn: Andrew R. Vara, Esq. and Timothy Laffredi, Esq.); (iii) all  
23 counsel and parties receiving electronic notice through the Court’s electronic case filing system; and  
24 (iv) those persons who have formally appeared in these Chapter 11 Cases and requested service pursuant  
25 to Bankruptcy Rule 2002. The Reorganized Debtors respectfully submit that no further notice is  
26 required. No previous request for the relief sought herein has been made by the Reorganized Debtors to  
27 this or any other Court.  
28

1           WHEREFORE the Debtors respectfully request entry of an order granting the relief requested  
2 herein and such other and further relief as the Court may deem just and appropriate.

3 Dated: November 10, 2022

**KELLER BENVENUTTI KIM LLP**

4 By: /s/ Dara L. Silveira  
5       Dara L. Silveira

6 *Attorneys for Debtors and Reorganized Debtors*  
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